



## Legislation Details (With Text)

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**Type:** Agenda Item      **Status:** Approved

**File created:** 1/15/2014      **In control:** Board of Supervisors

**On agenda:** 1/28/2014      **Final action:** 1/28/2014

**Title:** Elections Department recommending the Board approve and authorize the Recorder-Clerk-Registrar of Voters to sign a Letter of Agreement with Dominion Voting Systems (Dominion) for an update to the software/firmware of the Global Elections Management System (GEMS) voting system.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Letter to BOS 1-28-14, 2. B - Letter of Agreement from San Diego County 1-28-14, 3. C - Letter of Agreement with El Dorado County, 4. D - Blue Route, 5. E - Memo from Counsel

Date	Ver.	Action By	Action	Result
1/28/2014	1	Board of Supervisors	Approved	Pass

Elections Department recommending the Board approve and authorize the Recorder-Clerk-Registrar of Voters to sign a Letter of Agreement with Dominion Voting Systems (Dominion) for an update to the software/firmware of the Global Elections Management System (GEMS) voting system.

**Fiscal Impact/Change to Net County Cost**

None. The software update will be provided free of charge and there will be no impact on staffing.

**Background**

The software/firmware license to operate the GEMS voting system will expire in January 2014. The Secretary of State has certified a software/firmware update with Dominion Voting Systems, which owns the license to this update and is the only company approved by the Secretary of State to provide it. Dominion will provide the update for free, but has requested El Dorado County to sign the attached letter of agreement before installation of the update.

**Reason for Recommendation**

The new software/firmware version for the GEMS voting system includes an update to the Secure Socket Layer Certificate (SSL) which expires in January 2014. The SSL Certificate is a security feature in the vote count system that matches the certificate on the memory cards with that on the central server to make sure they are the same. After the SSL Certificate expires in January, the voting system will not work without the update. The Secretary of State has approved only one vendor, Dominion Voting Systems (Dominion) to provide this update. Because the County does not have a license or maintenance agreement with Dominion, the company has requested the County to sign a Letter of Agreement to provide the software update.

The Letter of Agreement contains an indemnity provision in which the County agrees to indemnify Dominion for all claims arising out of the use of the update except for Dominion's gross negligence or willful misconduct. This indemnification provision is a modified version of the provision originally requested by Dominion. Counties cannot obtain this update from another vendor because the Secretary of State has only approved Dominion to provide the update. My office raised the indemnity

issues with the Secretary of State on several occasions, but did not receive a substantive response. Other counties have installed the update with success.

**Contact**

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